

PROTECTION, PROMOTION AND DEVELOPMENT OF THE OMBUDSMAN INSTITUTION



- ▶ **Recommendation CM/Rec(2019)6 of the Committee of Ministers to member States on the development of the Ombudsman Institution**
(adopted by the Committee of Ministers on 16 October 2019 at the 1357th meeting of the Ministers' Deputies)
- ▶ **Principles on the Protection and Promotion of the Ombudsman Institution (the Venice Principles)**
(adopted by the Venice Commission at its 118th Plenary Session (15-16 March 2019))
- ▶ **National good practices**

EUROPEAN CONVENTION
ON HUMAN RIGHTS



CONVENTION EUROPÉENNE
DES DROITS DE L'HOMME

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

PROTECTION, PROMOTION AND DEVELOPMENT OF THE OMBUDSMAN INSTITUTION

Council of Europe

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Foreword



Ombudsman institutions have become an integral part of the modern model of good governance.

They play an important role in protecting and promoting human rights and provide individuals with an avenue of complaint in case of alleged human rights violations. Ombudsman institutions are increasingly involved in international cooperation at the regional and universal level.

The Council of Europe has long supported the establishment of independent and effective Ombudsman institutions within its member States.

In 1985 the Committee of Ministers adopted Recommendation CM/Rec(85)13 on the Institution of the Ombudsman which strongly advocated for the appointing of an Ombudsman by States and encouraged to further empower them wherever they had existed already.

In view of the remarkable developments of the Ombudsman institutions in Europe and beyond since the last 25 years, the Committee of Ministers of the Council of Europe instructed the Steering Committee for Human Rights (CDDH) to review the abovementioned Recommendation.

The new Recommendation CM/Rec(2019)6 of the Committee of Ministers to Member States on the development of the Ombudsman institution was adopted on 16 October 2019 (hereinafter the Recommendation). It has been preceded by the adoption of Principles on the Protection and Promotion of the Ombudsman Institution by the Venice Commission (“the Venice Principles”).

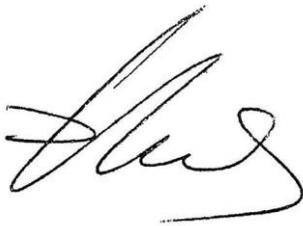
The new Recommendation CM/Rec(2019)6 of the Committee of Ministers and the Venice Principles are complementary, thus constituting an updated set of European standards covering all the aspects of establishment and functioning of the Ombudsman institutions.

The present publication also includes a selection of good national practices which highlight the application of these standards in Europe. The selected practices provide numerous examples of how the European

States implement the principles which are vital for each ombudsman institution, including independence; impartiality, objectivity and fairness; integrity and high moral authority; a comprehensive mandate; accessibility; and effectiveness.

The publication is intended for wide dissemination in Europe and beyond in order to assist the States, and indeed the Ombudsman community itself, in maximising the positive role of the Ombudsman institutions in modern societies.

Christos GIAKOUMOPOULOS

A handwritten signature in black ink, appearing to read 'Christos Giakoumopoulos', with a stylized, flowing script.

Director General
Directorate General Human Rights and Rule of Law

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Recommendation CM/Rec(2019)6 of the Committee of Ministers to member States on the development of the Ombudsman Institution

(Adopted by the Committee of Ministers on 16 October 2019
at the 1357th meeting of the Ministers' Deputies)

The Committee of Ministers of the Council of Europe, under the terms of Article 15.b of the Statute of the Council of Europe,

Considering that the aim of the Council of Europe is to achieve a greater unity between its members, for the purpose of safeguarding and realising the ideals and principles which are their common heritage, *inter alia* by carrying out activities in the field of human rights and fundamental freedoms;

Welcoming the remarkable development that has taken place since the adoption of Recommendation [Rec\(85\)13](#) on the institution of the Ombudsman in the great majority of the Council of Europe member States with respect to the establishment of Ombudsman institutions¹ at national, regional and local level, including those dealing with specific, thematic issues;

Welcoming the steady development of the functions of Ombudsman institutions which have expanded beyond the original mandate concerning maladministration and the rule of law;

Noting with satisfaction that Ombudsman institutions now constitute an important feature of democratic governance and play a key role in the protection and promotion of human rights and the rule of law in the vast majority of Council of Europe member States;

Underlining the great potential of Ombudsman institutions for the promotion and protection of human rights in Europe, not least for the effective implementation of the European Convention on Human Rights (ETS No. 5);

¹ The term "Ombudsman institutions" is used in this recommendation regardless of gender and to designate institutions such as those of an Ombudsman, Mediator, Parliamentary Commissioner, People's Defender, People's Advocate, Human Rights Commissioner, Inspector General of Government, Public Protector, etc.

Acknowledging the importance of continuing support by the Council of Europe and other international stakeholders to Ombudsman institutions and welcoming the well-established co-operation between the Commissioner for Human Rights of the Council of Europe and Ombudsman institutions, as well as their networks, as foreseen in the Commissioner's mandate under Resolution [Res\(99\)50](#) on the Council of Europe Commissioner for Human Rights;

Acknowledging further the importance of the co-operation between Ombudsman institutions and their various networks, and of their co-operation with the Council of Europe and other international stakeholders;

Bearing in mind the relevant international texts in support of the development and protection of Ombudsman institutions;²

Acknowledging the diversity of Ombudsman institutions, which reflects the diversity of the countries and regions they serve;

Emphasising nonetheless that it is vitally important for any such institution to be governed by a number of core principles, including the following:

- independence;
- impartiality, objectivity and fairness;
- integrity and high moral authority;

² See, in particular:

Recommendation [Rec\(97\)14](#) of the Committee of Ministers to member States on the establishment of independent national institutions for the promotion and protection of human rights;

- Recommendation [CM/Rec\(2018\)11](#) of the Committee of Ministers to member States on the need to strengthen the protection and promotion of civil society space in Europe;
- Parliamentary Assembly Resolution 1959 (2013) on "Strengthening the institution of ombudsman in Europe";
- Congress of Local and Regional Authorities of the Council of Europe Resolution 327 (2011) on "The office of Ombudsperson and local and regional authorities";
- Principles on the protection and promotion of the Ombudsman institution ("The Venice Principles"), adopted by the European Commission for Democracy through Law (Venice Commission) at its 118th Plenary Session (Venice, 15-16 March 2019);
- ECRI General Policy Recommendation No. 2 (revised) on Equality Bodies to combat racism and intolerance at national level, adopted on 7 December 2017;
- United Nations General Assembly Resolution 48/134 of 20 December 1993 on national institutions for the promotion and protection of human rights ("The Paris Principles");
- United Nations General Assembly Resolutions 65/207 of 21 December 2010, 67/163 of 20 December 2012, 69/168 of 18 December 2014, 71/200 of 19 December 2016 and 72/186 of 19 December 2017 on the role of the ombudsman, mediator and other national human rights institutions in the promotion and protection of human rights;
- The by-laws of the International Ombudsman Institute, adopted on 13 November 2012.

- a comprehensive mandate;
- accessibility; and
- effectiveness;

Expressing grave concern about the challenging working conditions, threats, pressures and attacks which Ombudsman institutions and their staff are at times exposed to in member States;

Wishing to develop its Recommendation [Rec\(85\)13](#) on the institution of the Ombudsman, henceforth replaced by the present instrument,

Recommends that the governments of member States:

1. ensure that the principles set out in the appendix to this recommendation are implemented in relevant domestic law and practice;
2. strengthen Ombudsman institutions and avoid any measures which might weaken them, and evaluate on a regular basis the effectiveness of the measures taken;
3. ensure, by appropriate means and action – including, where appropriate, translation – a wide dissemination of this recommendation among competent authorities and stakeholders;
4. examine, within the Committee of Ministers, the implementation of this recommendation no later than five years after its adoption.

Appendix to Recommendation CM/Rec(2019)6

Principles for the development of the Ombudsman institution

I. Establishment and fundamental characteristics of Ombudsman institutions

1. Ombudsman institutions should be in place in all member States. The choice of one or more of these institutions should be made by each State in the light of its organisation, particularities and needs. These institutions should be directly and easily accessible to everyone in respect of all public services, however provided. Particular attention should be paid to persons who may not be aware of the existence of Ombudsman institutions, who may have difficulties in accessing Ombudsman institutions or who may be in a situation of vulnerability, such as migrants, persons deprived of liberty, persons with disabilities or older persons and children.
2. Member States should provide a firm legal basis for Ombudsman institutions, preferably at the constitutional level, and/or in a law which defines the main tasks of such an institution, guarantees its independence and provides it with the means necessary to accomplish its functions effectively, both at national and international levels, bearing in mind existing standards and recommendations on Ombudsman institutions, in particular the Principles on the protection and promotion of the Ombudsman institution, adopted by the European Commission for Democracy through Law of the Council of Europe (Venice Commission) on 15 March 2019 and endorsed by the Committee of Ministers on 2 May 2019.
3. The process of selection and appointment of the head of an Ombudsman institution should promote its independence. Candidates should be of high moral authority and possess recognised competence in the field of the rule of law, democratic governance and human rights. Arrangements should be in place so that the post of the head of any Ombudsman institution does not stay vacant for any significant period of time.

4. Member States should ensure that Ombudsman institutions operate in a conducive environment which allows them to carry out their mandate independently of any provider of public services over which they hold jurisdiction, in an effective manner and in a climate of impartiality, integrity, transparency and fairness.

5. Member States should take effective measures to enable Ombudsman institutions to require all administrative authorities and other relevant entities to co-operate with their activities, to have unfettered access to all relevant premises, including places of detention, and to all relevant individuals, in order to be able to carry out a credible examination of complaints received or other issues covered by their mandate. Ombudsman institutions should also have access to all pieces of information needed for such examination, subject to possible restrictions stemming from the protection of other rights and legitimate interests, and to guarantee the confidentiality of the data in its possession.

6. Member States should provide Ombudsman institutions with adequate, sufficient and sustainable resources to allow them to carry out their mandate in a fully independent manner. Ombudsman institutions should be able to appoint their own staff and to ensure that they receive adequate training.

7. Member States should take all measures necessary to protect Ombudsman institutions against threats and harassment. Any cases of alleged reprisal or intimidation against Ombudsman institutions and their staff, or against individuals who co-operate or seek to co-operate with them, should be promptly and thoroughly investigated and the perpetrators brought to justice.

II. Main tasks of Ombudsman institutions

8. Member States should ensure that the mandate given to Ombudsman institutions empowers them, in particular, to:

- a. take action upon complaints received or on their own initiative, in order to protect any person or group of persons against maladministration, violation of rights, unfairness, abuse, corruption or any injustice caused by providers of public services, public or private, notably by providing right-holder-friendly, non-judicial means to facilitate the resolution of disputes between individuals and providers of public services, which may include mediation, as appropriate;

- b. protect and promote human rights and fundamental freedoms, the rule of law and democratic governance, including, as appropriate, through proposals to change legislation, litigation or other means;
- c. make recommendations to prevent or remedy any of the conduct described in paragraph 8.a and, where appropriate, to propose administrative or legislative reforms aimed at improving the operation of public-service providers; in the event that the latter fail to accept or implement such recommendations, member States should ensure that Ombudsman institutions have the right, *inter alia*, to submit a report on such failure to the competent elected body, usually parliament;
- d. co-operate, within their mandate, with local, regional, national and international stakeholders and networks which operate in related or similar fields.

9. Member States should make it a legal obligation for all addressees of recommendations by Ombudsman institutions to provide a reasoned reply within an appropriate time.

10. Member States should consider granting Ombudsman institutions competences enabling them to perform the functions foreseen by relevant international conventions in the field of human rights, such as the National Preventive Mechanism under the Optional Protocol to the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and/or the independent mechanism under the United Nations Convention on the Rights of Persons with Disabilities, or to strengthen such competences, where appropriate. Where an Ombudsman institution holds these mandates, it must have access to sufficient resources to develop the capacity enabling it to effectively discharge its functions; this should include having appropriately qualified, skilled and trained staff.

III. Co-operation and dialogue

11. Member States should take effective measures to enable Ombudsman institutions, whether at national, regional or local level, to communicate and co-operate with, in particular:

- a. counterpart institutions, where appropriate through electronic networking and exchange of information and practices, as well as through regular meetings;
- b. civil society stakeholders, in particular non-governmental organisations, who should enjoy easy access to Ombudsman institutions;
- c. other human rights structures, notably national human rights institutions and their networks, where appropriate through jointly organised activities;
- d. international and regional organisations which work in related or similar fields, particularly Council of Europe bodies.

12. Member States which have established several Ombudsman institutions, such as regional, local and/or specialised bodies, should enable appropriate, effective co-ordination and co-operation among these institutions, in order to promote synergy and avoid duplication, by ensuring that legislation on Ombudsman institutions enables and encourages such co-operation.

13. Member States should encourage and sponsor the development of co-operation programmes with the Council of Europe to ensure permanent knowledge-sharing among Ombudsman institutions, in order to strengthen their contribution to the effective implementation of the European Convention on Human Rights and other relevant instruments.

Principles on the Protection and Promotion of the Ombudsman Institution (the Venice Principles)

Adopted by the Venice Commission
at its 118th Plenary Session
(Venice, 15-16 March 2019)

Endorsed by the Committee of Ministers
at the 1345th Meeting of the Ministers' Deputies
(Strasbourg, 2 May 2019)

The European Commission for Democracy through Law (“the Venice Commission”)

Noting that there are presently Ombudsman Institutions in more than 140 States, at the national, regional or local level, with different competences;

Recognising that these Institutions have adapted into the legal and political system of the respective States;

Noting that the core principles of the Ombudsman Institution, including independence, objectivity, transparency, fairness and impartiality, may be achieved through a variety of different models;

Emphasising that the Ombudsman is an important element in a State based on democracy, the rule of law, the respect for human rights and fundamental freedoms and good administration;

Emphasising that long-standing constitutional traditions and a mature constitutional and democratic political culture constitute an enabling element to the democratic and legal functioning of the Ombudsman Institution;

Emphasising that the Ombudsman plays an important role in protecting Human Rights Defenders;

Emphasising the importance of national and international co-operation of Ombudsman Institutions and similar institutions;

Recalling that the Ombudsman is an institution taking action independently against maladministration and alleged violations of human rights and fundamental freedoms affecting individuals or legal persons;

Stressing that the right to complain to the Ombudsman is an addition to the right of access to justice through the courts;

Stating that governments and parliaments must accept criticism in a transparent system accountable to the people;

Focusing on the commitment of the Ombudsman to call upon parliaments and governments to respect and promote human rights and fundamental freedoms, such a role being of utmost importance especially during periods of hardship and conflicts in society;

Expressing serious concern with the fact that the Ombudsman Institution is at times under different forms of attacks and threats, such as physical or mental coercion, legal actions threatening immunity, suppression reprisal, budgetary cuts and a limitation of its mandate;

Recalling that the Venice Commission, on different occasions, has worked extensively on the role of the Ombudsman;

Referring to the Recommendations of the Committee of Ministers of the Council of Europe R (85) 13 on the institution of the Ombudsman, R (97) 14 on the establishment of independent national institutions for the promotion and protection of human rights, R (2000)10 on codes of conduct for public officials and CM/Rec(2007) 7 on good administration, CM/Rec(2014)7 on the on the protection of whistle-blowers and CM/Rec(2016)3 on human rights and business; to the Recommendations of the Parliamentary Assembly of the Council of Europe 757 (1975) and 1615 (2003) and in particular its Resolution 1959 (2013); as well as to Recommendations 61(1999), 159 (2004), 309(2011) and Resolution 327 (2011) of the Congress of Local and Regional Authorities of the Council of Europe; to ECRI General Policy Recommendation No. 2: Equality bodies to combat racism and intolerance at national level, adopted on 7 December 2017;

Referring to United Nations General Assembly Resolution 48/134 on the principles relating to the status of national institutions for the promotion and protection of human rights (“the Paris Principles”) of 20 December 1993, Resolution 69/168 of 18 December 2014 and Resolution 72/186 of 19 December 2017 on the role of the Ombudsman, mediator and other national human rights institutions in the promotion and protection of

human rights, Resolution 72/181 of 19 December 2017 on National institutions for the promotion and protection of human rights, the Optional Protocol to the Convention against Torture and other Cruel Inhuman or Degrading Treatment or Punishment, adopted by the General Assembly on 18 December 2002, the Convention on the Rights of Persons with Disabilities adopted by the General Assembly on 13 December 2006;

After having consulted the United Nations Human Rights Office of the High Commissioner, the UN Special Rapporteur on the situation of human rights defenders, the Council of Europe Commissioner for Human Rights and the Steering Committee for Human Rights of the Council of Europe (CDDH), the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR), the European Union Agency for Fundamental Rights, the European Ombudsman of the European Union, the International Ombudsman Institute (IOI), the Association of Mediterranean Ombudsmen (AOM), the Association of Ombudsman and Mediators of the Francophonie (AOMF), the Federation of Ibero-American Ombudsman (FIO), the European Network of National Human Rights Institutions (ENNHRI);

has, at its 118th Plenary Session (15-16 March 2019), adopted these Principles on the Protection and Promotion of the Ombudsman Institution (“the Venice Principles”)

1. Ombudsman Institutions have an important role to play in strengthening democracy, the rule of law, good administration and the protection and promotion of human rights and fundamental freedoms. While there is no standardised model across Council of Europe Member States, the State shall support and protect the Ombudsman Institution and refrain from any action undermining its independence.
2. The Ombudsman Institution, including its mandate, shall be based on a firm legal foundation, preferably at constitutional level, while its characteristics and functions may be further elaborated at the statutory level.
3. The Ombudsman Institution shall be given an appropriately high rank, also reflected in the remuneration of the Ombudsman and in the retirement compensation.
4. The choice of a single or plural Ombudsman model depends on the State organisation, its particularities and needs. The Ombudsman Institution may be organised at different levels and with different competences.

5. States shall adopt models that fully comply with these Principles, strengthen the institution and enhance the level of protection and promotion of human rights and fundamental freedoms in the country.

6. The Ombudsman shall be elected or appointed according to procedures strengthening to the highest possible extent the authority, impartiality, independence and legitimacy of the Institution.

The Ombudsman shall preferably be elected by Parliament by an appropriate qualified majority.

7. The procedure for selection of candidates shall include a public call and be public, transparent, merit based, objective, and provided for by the law.

8. The criteria for being appointed Ombudsman shall be sufficiently broad as to encourage a wide range of suitable candidates. The essential criteria are high moral character, integrity and appropriate professional expertise and experience, including in the field of human rights and fundamental freedoms.

9. The Ombudsman shall not, during his or her term of office, engage in political, administrative or professional activities incompatible with his or her independence or impartiality. The Ombudsman and his or her staff shall be bound by self-regulatory codes of ethics.

10. The term of office of the Ombudsman shall be longer than the mandate of the appointing body. The term of office shall preferably be limited to a single term, with no option for re-election; at any rate, the Ombudsman's mandate shall be renewable only once. The single term shall preferably not be stipulated below seven years.

11. The Ombudsman shall be removed from office only according to an exhaustive list of clear and reasonable conditions established by law. These shall relate solely to the essential criteria of "incapacity" or "inability to perform the functions of office", "misbehaviour" or "misconduct", which shall be narrowly interpreted. The parliamentary majority required for removal – by Parliament itself or by a court on request of Parliament – shall be equal to, and preferably higher than, the one required for election. The procedure for removal shall be public, transparent and provided for by law.

12. The mandate of the Ombudsman shall cover prevention and correction of maladministration, and the protection and promotion of human rights and fundamental freedoms.

13. The institutional competence of the Ombudsman shall cover public administration at all levels.

The mandate of the Ombudsman shall cover all general interest and public services provided to the public, whether delivered by the State, by the municipalities, by State bodies or by private entities.

The competence of the Ombudsman relating to the judiciary shall be confined to ensuring procedural efficiency and administrative functioning of that system.

14. The Ombudsman shall not be given nor follow any instruction from any authorities.

15. Any individual or legal person, including NGOs, shall have the right to free, unhindered and free of charge access to the Ombudsman, and to file a complaint.

16. The Ombudsman shall have discretionary power, on his or her own initiative or as a result of a complaint, to investigate cases with due regard to available administrative remedies. The Ombudsman shall be entitled to request the co-operation of any individuals or organisations who may be able to assist in his or her investigations. The Ombudsman shall have a legally enforceable right to unrestricted access to all relevant documents, databases and materials, including those which might otherwise be legally privileged or confidential. This includes the right to unhindered access to buildings, institutions and persons, including those deprived of their liberty.

The Ombudsman shall have the power to interview or demand written explanations of officials and authorities and shall, furthermore, give particular attention and protection to whistle-blowers within the public sector.

17. The Ombudsman shall have the power to address individual recommendations to any bodies or institutions within the competence of the Institution. The Ombudsman shall have the legally enforceable right to demand that officials and authorities respond within a reasonable time set by the Ombudsman.

18. In the framework of the monitoring of the implementation at the national level of ratified international instruments relating to human rights and fundamental freedoms and of the harmonization of national legislation with these instruments, the Ombudsman shall have the power to present, in public, recommendations to Parliament or the Executive, including to amend legislation or to adopt new legislation.

19. Following an investigation, the Ombudsman shall preferably have the power to challenge the constitutionality of laws and regulations or general administrative acts.

The Ombudsman shall preferably be entitled to intervene before relevant adjudicatory bodies and courts.

The official filing of a request to the Ombudsman may have suspensive effect on time-limits to apply to the court, according to the law.

20. The Ombudsman shall report to Parliament on the activities of the Institution at least once a year. In this report, the Ombudsman may inform Parliament on lack of compliance by the public administration. The Ombudsman shall also report on specific issues, as the Ombudsman sees appropriate. The Ombudsman's reports shall be made public. They shall be duly taken into account by the authorities.

This applies also to reports to be given by the Ombudsman appointed by the Executive.

21. Sufficient and independent budgetary resources shall be secured to the Ombudsman institution. The law shall provide that the budgetary allocation of funds to the Ombudsman institution must be adequate to the need to ensure full, independent and effective discharge of its responsibilities and functions. The Ombudsman shall be consulted and shall be asked to present a draft budget for the coming financial year. The adopted budget for the institution shall not be reduced during the financial year, unless the reduction generally applies to other State institutions. The independent financial audit of the Ombudsman's budget shall take into account only the legality of financial proceedings and not the choice of priorities in the execution of the mandate.

22. The Ombudsman Institution shall have sufficient staff and appropriate structural flexibility. The Institution may include one or more deputies, appointed by the Ombudsman. The Ombudsman shall be able to recruit his or her staff.

23. The Ombudsman, the deputies and the decision-making staff shall be immune from legal process in respect of activities and words, spoken or written, carried out in their official capacity for the Institution (functional immunity). Such functional immunity shall apply also after the Ombudsman, the deputies or the decision-making staff-member leave the Institution.

24. States shall refrain from taking any action aiming at or resulting in the suppression of the Ombudsman Institution or in any hurdles to its effective functioning, and shall effectively protect it from any such threats.

25. These principles shall be read, interpreted and used in order to consolidate and strengthen the Institution of the Ombudsman. Taking into consideration the various types, systems and legal status of Ombudsman Institutions and their staff members, states are encouraged to undertake all necessary actions including constitutional and legislative adjustments so as to provide proper conditions that strengthen and develop the Ombudsman Institutions and their capacity, independence and impartiality in the spirit and in line with the Venice Principles and thus ensure their proper, timely and effective implementation.

National good practices

These practices were selected and compiled based on contributions by members of the members of the Steering Committee for Human Rights of the Council of Europe (CDDH). They also include information on good practices identified in co-operation activities carried out by the Council of Europe in various member States. The present compilation is by no means exhaustive and remains subject to future updates which will reflect further positive developments in member States.

The good national practices are sorted by a number of themes which each correspond to a principle set out in the *Appendix to Recommendation CM/Rec(2019)6* published above.

The relevant principle is indicated below each thematic heading.

A. Establishment and fundamental characteristics of the Ombudsman institution

The existence of directly and easily accessible Ombudsman institutions

Principle 1

Ombudsman institutions often ensure that they are easily accessible to citizens by allowing complaints to be made in writing or orally and without any formal requirements. Ombudsman institutions provide their services free of charge. Most Ombudsman institutions accept complaints online and many use social media. Many Ombudsman institutions reach out to vulnerable groups to ensure that individuals who might experience difficulty in complaining can easily do so.

All entries on the website of the Armenian Human Rights Defender are available in podcast format. The website of the Swedish Parliamentary Ombudsmen uses a text-to-speech supporting tool to enable access to persons with mild visual impairments, low literacy or learning disabilities. Staff of the Irish Ombudsman, for example, regularly visit accommodation centres for asylum seekers and refugees to collect complaints. In Denmark, complaints may be made to the Ombudsman in writing or orally. In Poland, the Human Rights Commissioner's legislation provides that complaints may be made free of charge and without formality. In the Slovak Republic citizens have a right to complain to the Defender of

Rights in their mother tongues, with the cost of interpretation borne by the State. In the Russian Federation, the High Commissioner for Human Rights regularly receives citizens in person, including via videoconference, which allows any citizen, regardless of location, to seek protection of their rights directly.

The legislative mandates of several Ombudsman institutions make particular reference to the Ombudsman's role in protecting the most vulnerable in society. For example, in Hungary, the Commissioner for Fundamental Rights is tasked – especially in investigations of his or her use of own initiative – with paying special attention to the rights of children, of persons of other nationalities, of the interests of future generations, and of the rights of vulnerable groups. Similarly, in Portugal, the Ombudsman's own initiative power of investigation is granted particularly in order to defend and promote the rights and interests of the most vulnerable citizens in terms of age, race, ethnicity, gender, and disability.

The Ombudsman's special concern with the protection of vulnerable groups is illustrated in practice by the work of the Lithuanian Seimas Ombudsman. In its Annual Report for 2017, it highlighted the key human rights issues in Lithuania as relating to the protection of vulnerable individuals, including: protecting prisoners from inadequate detention facilities; protecting disabled children from social exclusion through institutionalisation; and protecting those with mental health issues from arbitrary detention and compulsory treatment.

Legal basis for the Ombudsman institution

Principle 2

This principle of the Recommendation reflects a very common approach to providing a legal basis for the Ombudsman is that of including relevant provisions in the national constitution and a more detailed framework in subsequent legislation. An example of this approach is that the Albanian People's Advocate, whose role is set out in Articles 60 – 63 of the Albanian Constitution. These constitutional provisions set out the role of the People's Advocate and the process for his/her appointment and dismissal as well as the principle of the independence of the People's Advocate's Office and its powers. The Law on the People's Advocate sets out more detailed rules about the organisation and functioning of the Office. A broadly similar approach is used in many countries, among others: Armenia, Austria, Bosnia and Herzegovina, Republic of Bulgaria, Estonia, Greece, Lithuania, Malta, North Macedonia, Poland, Portugal, Russian Federation, Slovak Republic, Slovenia, and Spain.

Selection and appointment of the Ombudsman

Principle 3

An example of legislative provisions related to the process of selection and appointment of the Ombudsman that are designed to promote independence can be seen in Belgium. The Belgian Federal Ombudsman's legislation stipulates that the Ombudsman is appointed by the House of Representatives, following an open invitation for candidates to apply for the post. In order to be appointed as Ombudsman, a candidate must be a person of irreproachable conduct, hold a degree giving access to the functions of level 1 in the Civil Service departments of the State, and have relevant professional experience of at least five years either in the legal administrative or social spheres. In addition to open recruitment, appointment by the legislature, and suitability for the role of Ombudsman, the independence of the officeholder is ensured by providing security of tenure. The Belgian Ombudsman's legislation provides, therefore, that the Ombudsman shall be independent and may not be removed from office for activities he or she has carried out within the bounds of his or her jurisdiction. Similar legislative provisions exist in other jurisdictions, such as in Poland, where the Human Rights Commissioner can only be dismissed on limited grounds, such as becoming incapable to perform his or her duties due to illness.

Another common measure designed to promote the independence of the Ombudsman institution is a requirement to renounce other employment and conflicting interests upon appointment. For example, in Hungary, the Commissioner for Fundamental Rights' legislation provides that the mandate of Commissioner is incompatible with any other office or gainful employment. It also stipulates that, in the four years prior to being elected as Commissioner, an officeholder cannot have held various political or public offices. Legislative provisions also frequently seek to minimise the potential for government to neutralise the effectiveness of the Ombudsman institution by leaving the office vacant. In the Czech Republic, for example, the Public Defender of Rights' legislation states that the election of a new Public Defender of Rights should take place before the previous office-holder's term expires and where the office becomes vacant prior to the end of a term, an election must take place within 60 days.

An environment conducive to independent action

Principle 4

It is not sufficient that an Ombudsman is appointed in an independent manner; he or she must operate in an environment which allows for independent action in practice. Legislative provisions often make explicit the Ombudsman's independence and specifically prohibit attempts by others to influence the Ombudsman. In Iceland, for example, the Althing Ombudsman's legislation states that the Ombudsman shall not take instructions from State bodies. Similarly, in Croatia, the Ombudsman's legislation provides that any form of influence on the Ombudsman's work is forbidden and that he or she is to carry out his or her work with independence and autonomy.

In Ireland, the Ombudsman's legislation provides that any attempt by a person to obstruct or hinder the Ombudsman from carrying out his or her mandate is equivalent to that person being in contempt of court. It is also common for Ombudsman institutions to be provided with immunity in relation to actions taken in the fulfilment of their functions. In Greece, for example, the Ombudsman's legislation states that he or she may not be prosecuted or subjected to any inquiry for opinions expressed or actions taken in the course of fulfilling his or her duties.

The institutional competence of the Ombudsman and cooperation with administrative authorities

Principle 5

A common feature of the Ombudsman's legislative mandate is to place a duty on State bodies to cooperate with the Ombudsman and to empower the Ombudsman to compel cooperation. In Finland, for example, the Ombudsman's legislation confers a right on the Ombudsman to secure the assistance of authorities as he or she deems necessary, including the provision of copies of documents and files. In Greece, the Ombudsman's legislation makes it a disciplinary offence for any public official to refuse to cooperate with the Ombudsman during an investigation.

In some cases, Ombudsman institutions engage actively in dialogue with State authorities with a view to raising awareness on the Ombudsman institutions' roles and mandates and facilitating the implementation of their recommendations. For example the Kosovar* National Preventive

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Mechanism which operates under the authority of the Ombudsman organised several regional awareness raising round tables with representatives of places of deprivation of liberty and courts which allowed to increase understanding its role and mandate, facilitate its access to such places of detention and enhance engagement by the authorities in constructive dialogue. The Slovenian National Preventive Mechanism operating under the authority of the Human Rights Ombudsman regularly engages in constructive dialogue with the State authorities concerned and participates in various ministerial bodies, including an inter-ministerial working group tasked with co-ordinating the execution of judgments of the European Court of Human Rights. As a result of such active engagement a significant number of its recommendations have been implemented.

Strong powers of investigation also feature in most jurisdictions. For example, in Norway, the Ombudsman's legislation empowers the Ombudsman to demand information from State bodies and to enter all premises within his or her jurisdiction. Often, powers to access premises relate particularly to places of detention, such as in Austria, where the Austrian Ombudsman Board is empowered to access all places of detention and facilities for disabled people. In the Czech Republic, the Public Defender of Rights is empowered to enter the premises of any State body without prior notice in order to inspect files, interview employees, or meet in private with detained persons.

In the Russian Federation, the High Commissioner for Human Rights is empowered to freely visit all places of detention, remand centres and other facilities where persons sentenced to deprivation of liberty are serving their sentences, as well as any State bodies, local self-government bodies, enterprises, institutions, organisations regardless of their organisational and legal forms and forms of ownership, military units and public associations. The High Commissioner for Human Rights is entitled to have access to criminal, civil and administrative cases, including both cases in which decisions have been in effect as well as dismissed cases and files that led to no initiation of a criminal case.

Sufficient and adequate resources

Principle 6

It is common for legislative provisions to outline the mechanism through which funds are allocated to the Ombudsman institutions, but less common for these to include explicit provisions in relation to the adequacy and sufficiency of resources. Examples of legislation which explicitly refers to the adequacy of resourcing for the Ombudsman include the

Armenian constitution, the constitution of Bosnia and Herzegovina, and the Ombudsman legislation in North Macedonia.

More commonly, legislative provisions are made empowering the Ombudsman to appoint his or her own staff. In Romania, for example, the People's Advocate's legislation makes clear that he or she appoints his or her own staff and determines the structure of the organisation. In Malta, the Ombudsman's legislation similarly empowers the Ombudsman to appoint staff, to determine the number of staff appointed, their duties, salaries, and terms and conditions of appointment.

It is rare that specific legislative provisions are made in relation to training, however, an example of this is North Macedonia's Ombudsman legislation which confers a right, and imposes a duty, on the Ombudsman and his or her staff to take part in continuous professional training and improvement, with funds set aside for this purpose. In the Russian Federation the Scientific and Educational Centre for Human Rights at the Moscow State Academy of Law was established by the High Commissioner for Human Rights to provide professional training to staff members of the federal and regional Ombudsman's offices.

Protecting the Ombudsman institution

Principle 7

Examples of legislative provisions specifically designed to protect the Ombudsman from threats and harassment are not widespread. Nevertheless, in Armenia and North Macedonia provisions exist which allow the Ombudsman to call upon State protection if required. In Armenia, the Ombudsman and his family are recognised as being under special protection of the State, with State bodies required to assist the Ombudsman to ensure his or her security. Similarly, in North Macedonia, the Ombudsman's legislation confers a right on the Ombudsman to police protection where there are serious threats to his or her safety.

B. Main tasks of Ombudsman institutions

Ombudsman's action upon complaints and on its own initiative

Principle 8(a)

The Ombudsman institution is easily accessible when compared with courts, through measures such as receiving oral complaints, a lack of formal requirements when complaining and the absence of a requirement for legal representation. In Portugal, for example, the Ombudsman has a dedicated Children, Senior Citizens, and Disabled Persons Unit. This Unit seeks to meet the needs of vulnerable persons and provides three helplines (the Children's Helpline, the Senior Citizens' Helpline, and the Disabled Person's Helpline) through which citizens can seek advice and make complaints. The Ombudsman's Annual Report for 2017 details how the Unit dealt with 4026 calls in the previous year and helped citizens through advice, signposting, mediation, and investigation of complaints.

While the Ombudsman's task will often involve investigation of complaints, there are examples of mediation being used to resolve disputes. In the Principality of Monaco, the High Commissioner for the Protection of Rights, Liberties and Mediation places a particular emphasis on a consensual approach to complaints, the office being a tool for conciliation, support and dialogue. In its Annual Report for 2017, the High Commissioner explains that the three main outcomes achieved by the office are: support to help a citizen understand their situation where the action complained about is justified; the achievement of an amicable resolution where differences between the parties are bridged and a solution emerges that satisfies all parties; and a formal recommendation when an organisation is asked to change its position. In explaining the office's approach, the High Commissioner refers to listening, understanding, informing, explaining, advising, and breaking deadlocks as being key to its role in improving the relationship between citizens and public bodies.

An important part of being a rights-holder friendly institution is the ability to ensure that those citizens who are unable to complain are, nonetheless, protected. The own-initiative power of investigation is an effective means of achieving this. For example, the Austrian Ombudsman Board's legislation allows the Ombudsman Board not only to investigate where a complaint has been received, but also where there has not been a complaint. The own-initiative power is widespread among Ombudsman institutions and features in many countries, including Bosnia and Herzegovina, Croatia, Czech Republic, Denmark, Finland, Greece,

Iceland, Ireland, Malta, Montenegro, North Macedonia, Norway, Poland, Portugal, Romania, Russian Federation, and Spain.

Protecting and promoting human rights and fundamental freedoms

Principle 8(b)

Ombudsman institutions often have a mandate beyond the investigation of complaints, which includes proactive promotion and protection of citizens' rights. In Poland, for example, the Human Rights Commissioner is under a duty to analyse, monitor, and support the equal treatment of all persons and to conduct independent research and make recommendations in relation to discrimination. In Moldova, the People's Advocate's Annual Report for 2017 shows the wide range of ways through which it seeks to promote human rights. This includes informing the public through conferences, roundtables, meetings, forums, contests, exhibitions, producing videos, distributing informative materials, training, and collaboration with the media. In 2017, 174 promotion activities were conducted by the People's Advocate, directly reaching 5800 beneficiaries.

In Montenegro the Ombudsman uses analytical research and public surveys to convey the importance of the institution and contribute to the policy debate. The result has been that citizens of Montenegro identify the Ombudsman Institution as the most effective national public institution for protecting human rights and fighting discrimination. The institution has also worked to actively reach out to the public via public events and social media. It notably developed a communication strategy with specific social media guidelines and enhanced its presence on digital platforms and its outreach with youth.

In addition to monitoring, research, and promotion, Ombudsman institutions often have formal powers to recommend changes to the law. In Sweden, for example, the Parliamentary Ombudsman is empowered to make recommendations in relation to shortcomings in legislation. Similarly, in Iceland, the Althing Ombudsman may refer flaws in legislation to the national assembly, a cabinet minister or local authorities.

In some jurisdictions, the Ombudsman is also empowered to refer laws to the courts for a view on their legality. In Bulgaria, for example, the Ombudsman can refer laws to the Constitutional Court where he or she considers that they may violate the rights and freedoms of citizens. In Estonia, the Chancellor of Justice is empowered to review proposals for legislation and may also make recommendations to amend legislation. In the Russian Federation the High Commissioner engages with the

Constitutional Court and the Supreme Court: the High Commissioner gives opinions on specific legal issues at the request of judges, tables motions to reconsider court decisions and participates in elaborating recommendations on important matters of judicial practice.

In a number of member States, Ombudsman institutions have been empowered to intervene in relevant court proceedings through *amicus curiae* in order to provide expert analysis and guidance on human rights issues. The Moldovan Council for Prevention and Combatting Discrimination and Ensuring Equality, for instance, is entitled to provide *amicus curiae* to domestic courts in cases of relevance to its mandate as is expressly provided for in article 74 of the Civil Procedural Code. A guide on how to write an *amicus curiae* developed with the assistance of the Council of Europe has further enhanced its capacity to deliver professional inputs before national courts. In Georgia, the Public Defender also performs the function of a friend of the court in the Commons Courts and the Constitutional Court.

The Human Rights Defender of Armenia has the right to apply to the Constitutional Court regarding the conformity of the provisions of laws, decisions of the National Assembly, orders and instructions of the President, decisions of the Government and the Prime Minister and by-laws with the provisions of Chapter 2 of the Constitution on Basic Rights and Freedoms of the Human Beings and the Citizen. The Human Rights Defender's Office publishes reports on all *amicus* briefs submitted to the Constitutional Court.

Making recommendations and proposing administrative or legislative reforms

Principle 8(c)

Ombudsman institutions generally have wide powers to recommend that State bodies remedy particular problems faced by citizens, as well as reform systems to ensure that problems do not recur, and administration is improved. In Portugal, for example, the Ombudsman's legislation empowers him or her to make recommendations in order to: address illegal or unfair acts of State bodies; help improve public services; point out shortcomings in legislation; and advise on how legislation should be interpreted. Similarly, in Malta, the Ombudsman's legislation provides that the Ombudsman may make recommendations in a range of situations, including where he or she is of the opinion that: the matter needs to be referred to an appropriate authority for further consideration; an omission should be rectified; a decision cancelled or varied; a practice

on which the decision or action was based should be altered; a law on which a decision or action was based should be reconsidered; reasons should have been given for a decision; or where any other steps should have been taken.

An example of a recommendation proposing administrative reform features in the Belgian Federal Ombudsman's Annual Report for 2017. In this case, the Ombudsman identified problems in the administration of a supplementary benefit allowance for disabled people, who were experiencing delays of several months after their cases had been medically reviewed, with no entitlement to arrears or interests. Consequently, the Ombudsman recommended to Parliament that the regulations should be amended to ensure payment of the supplementary allowance immediately after a medical review.

An illustration of a recommendation proposing legislative reform is highlighted in the Czech Republic's Public Defender of Rights' 2017 Annual Report. Vulnerable social services' users had not been sufficiently protected from malnourishment and neglectful care and their complaints had been ignored. Consequently, the Public Defender of Rights recommended an amendment to social services legislation in order to introduce a penalty for unauthorised interference with the privacy, safety and integrity of those receiving social services.

The Ukrainian Ombudsman's Office has instituted, in coordination with the Council of Europe, an assessment methodology to follow-up the implementation of recommendations from the National Preventive Mechanism operating under its authority. This has led to an increased capacity for the Ombudsman to carry out 57 follow-up monitoring visits conducted to psychiatric and social care institutions.

Although Ombudsman institutions generally make non-binding recommendations, they usually have powers that are designed to pressure State bodies into accepting and implementing them. In Greece, where an authority refuses to accept a recommendation by the Ombudsman, he or she has the right to make this refusal public. In the United Kingdom, the Ombudsman's legislation provides that, where a public body fails to respond to recommendations by the Ombudsman, a special report may be made to the Parliament.

Legal obligation of addresses of recommendations to reply to the Ombudsman

Principle 9

It is common for the Ombudsman to be empowered to stipulate a timescale for response to recommendations and for State bodies to be under a duty to respond to recommendations. In Ireland, for example, the Ombudsman can state, when making a recommendation, the timescale in which a response must be provided. Similarly, in Croatia, State bodies must notify the Ombudsman of the measures undertaken in response to a recommendation within the timescale set by the Ombudsman.

Assigning special functions to the Ombudsman institution

Principle 10

A number of Ombudsman institutions have been designated as the National Protection Mechanism under the Optional Protocol to the UN Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment; these include, among others: Bulgaria, Cyprus, Estonia, Finland, Hungary, Lithuania, Luxembourg, Montenegro, Norway, Poland, Romania, Slovenia and Sweden. Some Ombudsman institutions have also been given the role of Independent Mechanism under the UN Convention on the Rights of Persons with Disabilities; these include Azerbaijan, Bosnia and Herzegovina, Croatia, Czech Republic, Hungary, and Spain.

It is important that Ombudsman institutions are provided with sufficient resources and appropriately qualified, skilled and trained staff to develop the capacity enabling it to effectively discharge these functions. The great majority of Ombudsman institutions which also act as national preventive mechanisms (NPM) benefited from comprehensive training programmes on monitoring places of deprivation of liberty implemented by the Council of Europe. An outstanding example of such cooperation programmes is the European NMP Forum which has been funded by the European Union and implemented by the Council of Europe since 2017. The Forum is a platform for continuous exchange of knowledge and good practices between EU NPMs and some others with a view to strengthening their capacity to fight against ill-treatment in line with the Council of Europe's standards. Similar training programmes have been conducted by the Council of Europe in cooperation with the Ombudsman institutions in Russia (for Public Monitoring Committees) and Turkey (for Civil Monitoring Boards).

C. Co-operation and dialogue

Co-operation with counterpart institutions

Principle 11(a)

There are numerous examples of Ombudsman institutions cooperating and working together. In Ireland and the United Kingdom, the Ombudsman Association (an umbrella body for complaint handling organisations in these jurisdictions) provides a network allowing Ombudsman staff to meet at regular conferences and interest group meetings. It publishes a regular newsletter and hosts a members' area on its website to share information. The Ombudsman Association provides a forum for cooperation and developing best practice, for example, it has published a Guide to Principles of Good Complaint Handling and a Service Standards Framework for its members. Networks also exist in the Nordic States, in Belgium, in Spain and in other countries with multiple Ombudsman Offices. Moreover, the Association of Mediterranean Ombudsmen, the Association of Mediators and Ombudsman Institutions of the Francophone countries, the Eurasian Ombudsman Alliance and the International Ombudsman Institution aim at strengthening cooperation among peers.

In Portugal, the Portuguese Ombudsman's Annual Report for 2017 highlights a wide range of activities undertaken in collaboration with other Ombudsman institutions. This includes holding the presidency of the Ibero-American Ombudsman Association and participating in support and development projects. For example, the Ombudsman participated in a twinning project to support the establishment of an Ombudsman institution in Turkey, including participation in a series of workshops and seminars on various aspects of the Ombudsman's work and human rights. The Ombudsman also took part in a project to support the Commissioner for Human Rights of the Republic of Azerbaijan, organised by the European Commission, the Portuguese Ministry of Foreign Affairs, and the Polish Human Rights Commissioner.

The Ombudsman's Office in Montenegro carries out regular study visits to peer institutions in EU countries in order to exchange information and experience regarding the coherent application of European human rights standards, with the support of a joint Council of Europe and European Union project. The study visits allow the Ombudsman staff to compare practices with peers and has led to enhanced self-confidence that allows greater innovation within their existing mandate. The visits also often result in the establishment of professional networks, under which communication continues.

Similarly, the Kosovar* NPM also regularly engages in cooperation activities, professional exchanges and peer to peer collaborative learning with counterparts from South-East Europe and other European countries. One concrete result of this cooperation was the signature of a Memorandum of Understanding on bilateral cooperation and participation in coordinated monitoring activities of readmission operations of Kosovar*-citizens from Switzerland; another outcome was the conduct of joint monitoring visits to detention centres and mental health facilities in Warsaw together with the Polish NPM.

Another example of cooperation of counterpart institutions is the South-East Europe Network of NMPs, which provides an effective network of torture prevention practitioners who regularly exchange on monitoring challenges and good practices in the sub-region under the rotating Chairmanship of its now eleven members.

Cooperation between Ombudsman institutions and parliaments can also be an important avenue by which human rights are taken into consideration during the legislative process. In Ukraine a joint working group was set up between the Ombudsman and Parliament in order to develop a new draft law on personal data protection. This allows for a smooth adoption of legislative framework aligned with European standards on human rights, as well as creating a shared understanding between relevant authorities about the proper implementation of human rights.

Civil society's access to the Ombudsman institution

Principle 11(b)

Ombudsman institutions also frequently collaborate with third sector and charity organisations to help citizens secure their rights. In some cases, the Ombudsman institution has a specific legislative mandate to cooperate with civil society. In Austria, for example, the Austrian Ombudsman Board is under a duty to cooperate with scientific, academic, and educational institutions and to inform the public of its activities. In Poland, the Human Rights Commissioner's legislation obliges him or her to collaborate with associations, civic movements or other goodwill societies for the protection of the liberties and rights of citizens. In

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* *Ibid.*

Slovenia, the relevant legislation setting up the National Preventive Mechanism designates the Human Rights Ombudsman to perform this function in cooperation with non-governmental and humanitarian organisations.

The Seimas Ombudsman of Lithuania's Annual Report for 2017 explains how, in practice they cooperate with civil society, non-government organisations, human rights experts, and other social partners. This not only involves regular meetings and discussions but also active involvement in the process of investigating complaints. The Romanian's People's Advocate's 2017 Annual Report records that cooperation protocols were signed with UNICEF Romania and Save the Children in 2017. In the Russian Federation the High Commissioner for Human Rights, by virtue of his/her mandate, engages with Public Monitoring Commissions whose main task is to monitor the observance of the rights of persons held in places of detention.

Cooperation with other national human rights structures

Principle 11(c)

In the Slovak Republic, the Public Defender of Rights is required to cooperate with other entities active in the protection of rights and freedoms, such as human rights institutions. The Austrian Ombudsman Board's Annual Report for 2017 records its participation in the annual meeting of National Human Rights Institutions (NHRIs) at the Global Alliance of NHRIs and its active collaboration with the European Network of NHRIs, both as an NHRI itself and as the headquarters of the International Ombudsman Institute secretariat. Many Ombudsman Offices are also their country's NHRI.

Ombudsman institutions are usually cooperating with a large number of other human rights structures which operate in related and similar fields. In Moldova, the Torture Prevention Division of the People's Advocate Office has established cooperation with the designated NPM – the Expert Council for the Prevention of Torture – which consists of representatives of civil society. With the assistance of the Council of Europe, the communication between the two bodies was strengthened, thus reducing the incidence of parallel monitoring activities that might undermine the work of each institution. As a result, joint visits to places of detention were carried out and joint reports and recommendations were produced. Similarly, in the Russian Federation, the High Commissioner for Human Rights, as mentioned above, by virtue of his/her mandate, engages with Public Monitoring Commissions whose main task is to monitor the observance of the rights of persons held in places of detention.

International cooperation

Principle 11(d)

All Ombudsman institutions cooperate with international organisations and there are numerous examples of these activities. The Austrian Ombudsman Board's Annual Report for 2017 details a range of cooperation activities with international and regional organisations as well as with homologue institutions undertaken by the Ombudsman Board. These include: involving civil society in the self-evaluation process undertaken by the Organisation for Security and Cooperation in Europe in relation to human rights and democracy; taking part in an international conference on using a human rights approach to the long term care of elderly persons; participating in the European Ombudsman Network and a seminar organised by the network on processing complaints and own initiative investigations; participating in the EU Agency for Fundamental Rights' 10th anniversary celebration; providing, along with the Catalan Ombudsman, support to the Ombudsman of Poland; providing a keynote speech at a conference celebrating the 20th anniversary of the Public Defender of Georgia; holding a meeting between the staff of the Austrian Ombudsman Board and the staff of the Ombudswoman for the Czech Republic on problems implementing EU regulations on cross-border family allowances; receiving international delegations, for example, the Ombudsman from the South Korean Gangwon Province and a delegation of students from the legal faculty of the Sorbonne University in Paris.

The High Commissioner for Human Rights of the Russian Federation cooperates with both universal and regional international organisations. In 2017-2018, the High Commissioner thus presented alternative reports on the implementation by the Russian Federation of the core international human rights treaties to a number of UN human rights treaty bodies.

The Human Rights Defender of the Republic of Armenia also provides regular Rule 9 submissions to the Committee of Ministers of the Council of Europe on the execution of judgements of the European Court of Human Rights. This fosters a strong relationship between the Human Rights Defender and the Council of Europe while working to ensure the elimination of future violations of human rights within Armenia.

Coordination and cooperation among Ombudsman institutions at the national level

Principle 12

In the United Kingdom, the Parliamentary Ombudsman's legislation allows him or her to investigate complaints jointly with the Local Government and Social Care Ombudsman and the Health Ombudsman, where a complaint cuts across jurisdictions.

In some countries, broader provisions exist in relation to cooperation outside of specific investigations. In Bosnia and Herzegovina, for example, the Ombudsman has a duty to promote cooperation among the Ombudsman institutions of Bosnia and Herzegovina. This includes a duty to establish a network of liaison officers to disseminate the activities of the Ombudsman; organise regular meetings of the Ombudsman institutions in Bosnia and Herzegovina; organise seminars and workshops; and represent the Ombudsman institutions of Bosnia and Herzegovina in international fora.

The High Commissioner for Human Rights in the Russian Federation's Annual Report for 2016 highlights how the institution collaborates with counterparts at regional level in practice. This includes cooperation in the consideration of citizens' complaints; coordination of human rights activities; assistance and sharing of experience between regional Commissioners; assisting with the development of legislation on regional Commissioners; and holding meetings with regional Commissioners. In the Russian Federation, due to the territorial organisation of the State, in addition to the federal High Commissioner, there is a network of regional Commissioners who work in each of the 85 constituent entities of the country. In 2011, the all-Russian Coordination Council of Commissioners for Human Rights was established as an institutional framework for the Ombudsman community; twice a year the Council holds thematic meetings and sends recommendations to State bodies for addressing systemic problems as a follow-up thereto.

Promoting the implementation of international standards

Principle 13

Several Ombudsman institutions have a specific legislative mandate to promote human rights and assist in the implementation of international treaties, notably the European Convention on Human Rights. In Finland, for example, the Ombudsman is tasked with hosting a Human Rights Centre whose role includes: promoting information, education, training

and research concerning human rights; to present initiatives and issue statements in order to promote and implement human rights; and to participate in European and international cooperation associated with promoting and implementing human rights. In Portugal meanwhile, the Ombudsman is required to cooperate with similar institutions and with European and international organisations for the support and promotion of citizens' rights.

In the Russian Federation, the High Commissioner for Human Rights is entitled to come up with recommendations on concluding international treaties by the Russian Federation on matters within his/her competence. In 2017, the ratification of the Council of Europe Convention on the Counterfeiting of Medical Products and Similar Crimes Involving Threats to Public Health, which was signed by the Russian Federation back in 2011, was thus expedited at the initiative of the High Commissioner.

A number of Ombudsman institutions have recently benefited from the Council of Europe's thematic work providing support to Ombudsman and anti-discrimination institutions. Current or previous beneficiaries of this work include Albania, Armenia, Bosnia and Herzegovina, Georgia, Kosovo*, Moldova, and Ukraine. An example of a project undertaken as part of this work is in Montenegro, where the Ombudsman worked with the Council of Europe to strengthen the office's capacity to apply European human rights standards in its daily work.

Another area of long-lasting support provided by the Council of Europe is the establishment or strengthening of National Preventive Mechanisms. Currently, the Council of Europe runs cooperation projects or programmes in Moldova and Ukraine that support directly support such mechanisms. Cooperation in this area is also fostered by a joint Council of Europe and European Union project providing a forum for European National Preventive Mechanisms.

More generally, Ombudsman institutions have cooperated closely with the Council of Europe in seeking to strengthen the role of the Ombudsman in human rights protection. For example, the International Ombudsman Institute (IOI) – a global association of Ombudsman institutions from more than 100 countries – has worked with the Council of Europe on a number of initiatives, including developing the Venice Principles and the present Recommendation. The IOI also helps to develop the work of Ombudsman institutions through the publication Best

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Practice Papers and by organising training for its members, such as its training for National Protection Mechanisms.

The High Commissioner in Russia uses the good practice of submitting communications to the Committee of Ministers of the Council of Europe regarding the execution of judgments of the European Court of Human Rights in accordance with Rule 9 of the Committee of Ministers for the supervision of the execution of judgments and of the terms of friendly settlements. In March 2019, the High Commissioner sent a communication with regard to the execution of the judgment of the European Court of Human Rights in the case *Svinarenko and Slyadnev v. Russia* nos. [32541/08](#) and [43441/08](#), 17 July 2014. This initiative was later supported by the Supreme Court of the Russian Federation.

Ombudsman institutions have become an integral part of the modern model of good governance. They play an important role in protecting and promoting human rights and provide individuals with an avenue of complaint in case of alleged human rights violations. The Recommendation CM/Rec(2019)6 of the Committee of Ministers to Member States on the development of the Ombudsman institution sets out standards covering all the aspects of establishment and functioning of the Ombudsman institutions.

The present publication also includes a selection of good national practices which highlight the application of these standards in Europe. The selected practices provide examples of how the European States implement the principles which are vital for each ombudsman institution, including independence; impartiality, objectivity and fairness; integrity and high moral authority; a comprehensive mandate; accessibility; and effectiveness.

The publication is intended for wide dissemination in Europe and beyond in order to assist the States, and indeed the Ombudsman community itself, in maximising the positive role of the Ombudsman institutions in modern societies.

The Council of Europe is the continent's leading human rights organisation. It comprises 47 member states, including all members of the European Union. All Council of Europe member states have signed up to the European Convention on Human Rights, a treaty designed to protect human rights, democracy and the rule of law. The European Court of Human Rights oversees the implementation of the Convention in the member states.

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